

Hoagland, you look to be the only one around.

SENATOR HOAGLAND: Let me make the initial comments on this amendment, Mr. Speaker, and Senator Johnson and Senator Beutler may wish to be heard on it. What this amendment does is to take care of a problem that other states...that at least three of the five other states that have passed this legislation have taken care of in their own way. Michigan and Missouri have basically adopted a virtually identical...a virtually identical amendment. And the purpose of this amendment is to make it clear that the penalty for not wearing a seat belt remains at the \$25 fine level and it is not more than that. Now let me explain why it is necessary. Under current Nebraska law failure to wear a seat belt is not used against you if you should get injured in an accident that is entirely someone else's fault. Now the way the bill is written right now and without this amendment, failure to wear a seat belt could be used against you to take away a substantial claim if, for instance, you put your head through the windshield and suffer \$40,000 of medical bills because you are hospitalized for three months. Even in a situation where the accident is totally someone else's fault, let's say Senator Lynch is driving down the highway and Senator DeCamp is coming the other direction in a tractor trailer combination and Senator DeCamp loses control and comes across the median and causes Senator Lynch to go through the windshield, now the way the bill is currently written, Senator Lynch would get blamed at trial for his failure to have his seat belt on and his \$40,000 in medical bills would not necessarily be paid for by the owner of the tractor trailer combination. Now as I indicated, that is not current Nebraska law. Current Nebraska law says that if somebody else is totally responsible for an accident, why they are responsible to pay the medical bills whether or not the person has a seat belt on. So this amendment is simply designed to preserve the status quo so that for those 30 or 40 percent out there who are going to continue not to wear their seat belts no matter what we do in this body, their penalty is not going to be greater than the \$25 fine. I would be pleased to answer any questions about this amendment if there are any. Thank you, Mr. Speaker.

SPEAKER NICHOL: Senator Marsh.

SENATOR MARSH: (No response.)